

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL F. O'KEEFE, III,

Plaintiff,

- against -

NEWSPAPER AND MAIL DELIVERER'S
UNION OF NEW YORK AND VICINITY;
DOUGLAS PANATTIERI, JR., *Union President*;
and GLENN LACHANCE, *Business Agent*,

Defendants.

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BLOOM, United States Magistrate Judge:

Plaintiff commenced this *pro se* civil action in the United States District Court for the Southern District of New York on September 9, 2010. In addition to his complaint, plaintiff submitted an Order to Show Cause seeking to "reinstate the Newspaper and Mail Deliverer's Constitution Bylaws." On November 5, 2010, the Honorable Loretta A. Preska transferred plaintiff's action to this Court. The unsigned Order to Show Cause was also transferred.

As plaintiff submitted the Order to Show Cause to the United States District Court for the Southern District of New York almost three months ago and that Court declined to sign it, this Court considers the Unsigned Order to Show Cause as withdrawn without prejudice. If plaintiff intends to seek any injunctive relief before this Court, he should do so on notice to defendants. See Local Civil Rule 6.1.

Plaintiff's application to proceed *in forma pauperis* under 28 U.S.C. § 1915 is hereby granted. The United States Marshals Service is directed to serve the summons and complaint upon defendants without prepayment of fees.

Consent to trial and decision on this case by a United States Magistrate Judge

The parties shall advise the Court by signing the enclosed form whether they jointly consent to trial and decision on this case by me, a United States Magistrate Judge, pursuant to 28 U.S.C. § 636(c). Consent of the parties means that I may conduct all proceedings including trial of this matter and the entry of judgment in this case. The parties are free to withhold consent without adverse consequences.

If the parties consent, my decision will be entered as the decision of the Court and an aggrieved party may appeal directly to the United States Court of Appeals to the same extent and subject to the same conditions as if the decision had been rendered by a District Judge. If the parties do not consent to decision by a Magistrate Judge and a dispositive motion is referred, my decision shall be reported as a recommendation to the assigned District Judge.

Any party who disagrees with a Magistrate Judge's report and recommendation must file written objections within fourteen days to preserve their right to appeal. Upon receipt of written

objections from a party within fourteen days, the assigned District Judge shall review the proposed recommendations to which the objection is made. The District Judge may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. If a Magistrate Judge's report and recommendation is accepted by the assigned District Judge, the decision shall be entered and an appeal shall lie to the United States Court of Appeals.

This information regarding the availability of a Magistrate Judge to hear the entire case on consent of the parties is not meant to, in any way, interfere with the parties' absolute right to decision by a United States District Judge. This is an option available to the parties which may expedite adjudication of this case and preserve scarce judicial resources.

SO ORDERED.

/Signed by Judge Lois Bloom/


LOIS BLOOM

United States Magistrate Judge

Dated: December 2, 2010
Brooklyn, New York